

**To: The Deputy Leader and Members of the Planning and Development Board (Councillors Sweet, Butcher, L Dirveiks, Humphreys, Lea, May, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Watkins, Winter and Wykes).**

**For the information of other Members of the Council**

This document can be made available in large print and electronic accessible formats if requested.

For general enquiries please contact David Harris, Democratic Services Manager, on 01827 719222 or via e-mail - [davidharris@northwarks.gov.uk](mailto:davidharris@northwarks.gov.uk).

For enquiries about specific reports please contact the officer named in the reports

## **PLANNING AND DEVELOPMENT BOARD AGENDA**

**10 MARCH 2014**

The Planning and Development Board will meet at the Atherstone College, Ratcliffe Road, Atherstone, Warwickshire on Monday 10 March 2014 at 6.30 pm.

### **AGENDA**

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

- 4 **Minutes of the meetings of the Board held on 16 December 2013, 13 January and 10 February 2014** (copies herewith) to be approved as a correct record and signed by the Chairman.

**PART A – ITEMS FOR DISCUSSION AND DECISION  
(WHITE PAPERS)**

- 5 **Planning Applications** – Report of the Head of Development Control.

**Summary**

Town and Country Planning Act 1990 – applications presented for determination

The Contact Officer for this report is Jeff Brown (719310).

JERRY HUTCHINSON  
Chief Executive

## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

16 December 2013

Present: Councillor Sweet in the Chair.

Councillors Barber, Butcher, L Dirveiks, Humphreys, May, B Moss, Phillips, Sherratt, Simpson, A Stanley, Turley, Winter and Wykes

An apology for absence was received from Councillor Lea (substitute Councillor Barber)

#### 41 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

#### 42 **Minutes**

The minutes of the meetings of the Board held on 14 October and 11 November 2013, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

#### 43 **Budgetary Control Report 2013/2014 – Period Ended 30 November 2013**

The Assistant Director (Finance and Human Resources) reported on the revenue expenditure and income for the period from 1 April 2013 to 30 November 2013. The 2013/2014 budget and the actual position for the period, compared with the estimate at that date were detailed, together with an estimate of the out-turn position for services reporting to the Board.

##### **Resolved:**

**That the report be noted.**

#### 44 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

##### **Resolved:**

- a **That in respect of Application No 2013/0023 (Hockley no 2 Quarry, Tamworth Road, Dosthil)**

- i** That the County Council be strongly recommended, in the interests of sustainable development, to seek a legal agreement connecting the extraction of clay here with its use at the adjoining brickworks; and
  - ii** That Councillor B Moss be appointed as the Council's representative to sit on the Liaison Committee.
- b** That providing the applicant first enters into a Section 106 Agreement containing the off-site affordable housing contribution as set out in the report of the Head of Development Control, Application No 2013/0105 (Builders Yard Adjacent to, Old House Farm, Old Farm Lane, Hoggrills End, Nether Whitacre, B46 2DL) be approved subject to the conditions set out in the report;
- c** That providing the applicant first enters into a Section 106 Agreement as set out in the report of the Head of Development Control, Application No 2013/0332 (62 Birmingham Road, Water Orton, Warwickshire, B46 1TH) be approved subject to the conditions set out in the report;
- d** That Application No 2013/0443 (2, Crowberry Lane, Middleton, Tamworth, B78 2AJ) be refused for the reasons set out in the report of the Head of Development Control;

[Speaker Paul Turner]

- e** That in respect of Application No 2013/0443 (2, Crowberry Lane, Middleton, Tamworth, B78 2AJ) an Enforcement Notice be issued for the reasons set out in the report of the Head of Development Control, requiring the removal of the first floor roof and accommodation so as to re-instate the single storey building with a ridge height of 2.6 metres as illustrated in the 2005 Certificate and that the compliance period be six months;
- f** That providing the applicant first enters into a Section 106 Agreement as set out in the report of the Head of Development Control, Application No 2013/0493 (Aldi Stores Limited, 32 Station Street, Atherstone, CV9 1BU) be approved subject to the amendment of condition 1 as follows
  - "1.** No deliveries shall be taken at or despatched from the site or lorries enter the site (including refuse collection vehicles) outside the hours of 0600-0800 hours and 2000-2200 hours on Mondays-Saturdays and 0800-1000 hours and 1600-1800 hours on Sundays. Deliveries to

and collections from the store (including refuse collection vehicles) shall be made only by rigid chassis vehicles or by a tractor (truck) unit with a trailer measuring 11.3 metres in body length, 2.6 metres in overall width and having a wheelbase of 7.2 metres.”

- g That Application No 2013/0500 (Poultry Farm, Green End Road, Fillongley) be refused for the following reasons**

**“The proposal is inappropriate development in the Green Belt. It conflicts with the purpose of including land within the Green Belt and has harm on its openness. It will also cause harm to the character and appearance of the surrounding rural landscape. It is not considered that the benefit to the farm business nor the delivery of renewable energy amounts to the very special circumstances necessary to outweigh the harm done to the Green Belt by virtue of its inappropriateness. The proposal is thus contrary to saved policies ENV1 and ENV2 of the North Warwickshire Local Plan 2006.**

**[Speakers David Green and Marie Stacey]**

**45 Father Hudson’s Society Redevelopment Scheme**

The Head of Development Control reported further on the fire risk issues and the response of the Warwickshire Fire and Rescue Service in respect of the Father Hudson’s Society Redevelopment Scheme in Coleshill.

**Resolved:**

- a That the Fire and Rescue Service’s response be referred to both the developer and to the land owner with a recommendation that the owner considers offering an alternative site to the farmer for his storage requirements, and secondly that the developer considers a review of the layout for this part of the site; and**
- b That the responses are reported to the Board in due course.**

**[Speakers Gary Stevenson and Giles Brockbank]**

**46 Neighbourhood Designation Area for Arley Neighbourhood Plan**

The Assistant Chief Executive and Solicitor to the Council reported on the progress of the formal consultation on the Arley Neighbourhood Plan Designation area.

**Resolved:**

- a That the responses to the proposed Arley Neighbourhood Plan Designation be noted; and**
- b The Neighbourhood Designation Area for Arley Neighbourhood Plan be agreed and approved.**

**47 Exclusion of the Public and Press**

**Resolved:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12A to the Act.**

**48 Breaches of Planning Control**

The Head of Development Control reported on the breach of planning control at the Heart of England site, Wall Hill Road, Fillongley.

**Resolved:**

**That the Board notes the proposed legal action through the Magistrates' Court (authority already delegated to the Solicitor to the Council) in relation to the non-compliance with elements of an enforcement notice relating to an 'inland beach' that requires:**

- i. Demolish the sandstone rockery and building within the rockery to including its roof, decked area, steps and railing, as shown approximately on the notice plan and remove the resulting sandstone, building materials and any other resulting materials from the site.**
- ii Dig up the sand beach and lift the astroturf/beach lining material, the extent of which is shown approximately on the notice plan, and remove the sand, astroturf/beach lining material and any other resulting materials from the site.**
- iii Reinststate the land by re-grading the area formally occupied by the sand beach, sandstone rockery and building to match the contour heights shown on the plan approved 6 March**

**2008, application reference PAP/2007/0503, Lake and Wetland Area, drawing no. 180/27/1, plan dated 7 June 07, this re-grading to include a covering of topsoil to a depth of 400mm across this area and planted with grass or turfed.**

**49 Appeal by the Kler Group, Spon Lane, Grendon**

The Head of Development Control reported on the use of planning consultants in respect of the appeal by the Kler Group, Spon Lane, Grendon and the Board was asked to agree a suggested course of action.

**Resolved:**

- a That the use of the Chief Executive's emergency powers to instruct planning consultants in this appeal be confirmed; and**
- b That some of the additional planning fee income received this year be used to fund the appeal costs to the value of £50,000.**

R Sweet  
Chairman

**Planning and Development Board  
16 December 2013  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
6/5	PAP/2013/0493	Environmental Health Officer	Consultation	13/12/13
7	PAP/2013/0168	Mr Stevenson	Representation	12/12/13



## NORTH WARWICKSHIRE BOROUGH COUNCIL

### MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

13 January 2014

Present: Councillor Sweet in the Chair.

Councillors Butcher, L Dirveiks, Humphreys, Lea, May, B Moss, Phillips, Sherratt, Smith, A Stanley, Turley, Watkins, Winter and Wykes

An apology for absence was received from Councillor Simpson (substitute Councillor Smith).

Councillor Lewis was also in attendance and with the consent of the Chairman spoke on Minute No 54 Planning Applications (Application No 2013/0321 - Wienerberger Brick Works, Rush Lane, Dosthill, B77 1LT).

#### 50 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Lea declared a non-pecuniary interest in Minute No 54 Planning Applications (Application No 2013/0024 - Packington Landfill Site, Packington Lane, Little Packington, Meriden, CV7 7HN) by reason of being a member of the County Council's Regulatory Committee.

#### 51 **Corporate Plan 2014-15**

The Chief Executive presented the updated Corporate Plan for 2014/15. The Board's approval was sought to those parts of the Corporate Plan for which the Board was responsible. Members were also asked to agree the 2014/15 Service Plans for Development Control and Forward Planning.

#### **Recommended to the Executive Board:**

- a That Corporate Priority 8 – Access to Services be amended to:-**

**“Providing easier access to Council and other public services, particularly through the internet and local community facilities”;**

- b That those Corporate Plan Key Actions as set out in Appendix A to the report for which the Planning and Development Board is responsible be agreed; and**

**Resolved:**

- c That the Service Plans as set out in Appendix B to the report be agreed.**

**52 General Fund Fees and Charges 2014/2015**

The Board was asked to consider the fees and charges for 2013/14 and the proposed fees and charges for 2014/15.

**Resolved:**

**That the schedule of fees and charges for 2014/15 as set out in the report, be accepted.**

**53 General Fund Revenue Estimates 2014/15**

The Deputy Chief Executive detailed the revised budget for 2013/14 and an estimate of expenditure for 2014/15, together with forward commitments for 2015/16, 2016/17 and 2017/18.

**Resolved:**

- a That the revised budgets for 2013/14 be accepted; and**
- b That, the Estimates of Expenditure for 2014/15, as submitted in the report of the Deputy Chief Executive be accepted, and included in the budget to be brought before the meeting of the Executive Board on 11 February 2014.**

**54 Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

**Resolved:**

- a That in respect of Application No 2013/0024 (Packington Landfill Site, Packington Lane, Little Packington, Meriden, CV7 7HN) the Borough Council has no objection to this application subject to the County Council being requested to ensure that time periods for such activities should only be granted if they reflect the time table for the final restoration of the Packington site;**

- b That Application No 2013/0321 (Wienerberger Brick Works, Rush Lane, Dosthill, B77 1LT) be refused for the reasons set out in the report of the Head of Development Control; and**

**[Speakers Stephen Pursglove and Nicola Mortimer]**

- c That provided the applicant first enters in to a Section 106 Agreement as detailed in the report of the Head of Development Control, Application No 2013/0482 (11 Knowle Hill, Hurley, Warwickshire, CV9 2JE) be approved subject to conditions set out in the report.**

**55 Exclusion of the Public and Press**

**Resolved:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12A to the Act.**

**56 Breaches of Planning Control**

The Head of Development Control reported on a breach of planning control at New House Farm, Wishaw Lane, Sutton Coldfield and the Board was asked to agree a suggested course of action.

**Resolved:**

**That in respect of New House Farm, Wishaw Lane, Sutton Coldfield, the Solicitor to the Council be authorised to take legal action through the Magistrates' Court in response to the non-compliance with an extant Enforcement Notice - the owner being required to demolish the structure and remove the resulting materials from the land.**

R Sweet  
Chairman

**Planning and Development Board  
13 January 2014  
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
1/4	CON/2013/0024	Environmental Health Officer	Consultation	20/12/13
3/139	PAP/2013/0482	WCC Highways	Consultation	30/12/13

**NORTH WARWICKSHIRE BOROUGH COUNCIL**

**MINUTES OF THE  
PLANNING AND DEVELOPMENT BOARD**

**10 February 2014**

Present: Councillor Sweet in the Chair.

Councillors Butcher, L Dirveiks, Lea, Lewis, May, B Moss, Sherratt, Simpson, A Stanley, Turley, Watkins, Winter and Wykes

Apologies for absence were received from Councillors Humphreys and Phillips (substitute Councillor Lewis).

**57 Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Lea declared a pecuniary interest in Minute No 58 Planning Applications (Application No 2013/0573 - Hillwood Farm, Middleton Lane, Middleton, B78 2BW) left the meeting and took no part in the discussion or voting thereon.

**58 Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

**Resolved:**

- a That provided the applicant first enters in to a Section 106 Agreement as detailed in the report of the Head of Development Control, Application No 2013/0465 (Land to rear of 20A, Spon Lane, Grendon) be approved subject to the conditions set out in the report;

**[Speakers Peter Baker and Andrew Large]**

- b That Application No 2013/0488 (75, Coleshill Road, Hartshill, CV10 0NZ) be approved subject to conditions set out in the report of the Head of Development Control;
- c That provided the applicant first enters in to a Section 106 Agreement as detailed in the report of the Head of Development Control, Applications No 2013/0523 and 2013/0524 (Stone Cottage, Lower House Lane, Baddesley Ensor, Atherstone, CV9 2QB) be approved subject to conditions set out in the report;
- d That Application No 2013/0573 - Hillwood Farm, Middleton Lane, Middleton, B78 2BW be approved subject to the following conditions

- “1. The development hereby approved shall be discontinued on or before 31 October 2014.**
- 2. The development hereby approved shall not be carried out otherwise than in accordance with location plan REV B and site plan REV B received by the Local Planning Authority on 24 December 2013.**
- 3. This permission shall enure solely for the benefit of Mr S Thomas of Thomas Group and for no other person or Company whatsoever, and shall cease when Mr Thomas vacates the premises, or the use shall be discontinued after 31 October 2014.**
- 4. The approved use shall extend over the whole of the application site as shown on the approved plan and this use shall only be for the storage of electrical goods and for no other purposes whatsoever within Use Class B8 as defined by the Town and Country Planning (Use Classes Order) 1987 as amended.**
- 5. There shall be no external storage of electrical goods at the site in connection with the use hereby permitted.**
- 6. There shall be no retail sales whatsoever undertaken from the application site.**
- 7. No vehicular access to the site for the use hereby permitted shall be used other than via the access off Middleton Lane to the north east of Leigh Hurst, Middleton Lane, as illustrated on the approved plan.**
- 8. The use of the site for the storage of electrical goods shall only take place between the hours of 08.00 - 18:00 Monday to Friday and between the hours of 08.00 - 14:00 on Saturday. There shall be no use whatsoever on Sundays, Public Holidays and Bank Holidays.**
- 9. The damaged verge fronting the vehicular access to the site shall be made good to the satisfaction of the Highway Authority and the condition of the area shall be monitored during and after the temporary period of the change of use. Any further damage to the verge considered detrimental to highway safety shall be rectified immediately, and after the period of change of use has ended the verge and any damage to the carriageway shall be reinstated to the satisfaction of the Highway Authority.**

10. **Within one month of the date of the Decision Notice the aco style drain within the vehicular access to the site shall be repaired to the designed specification.**
11. **Within one month of the approval the visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway. No structure, tree or shrub shall be erected, planted or retained within the splays/highway extent exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.**
12. **The use of the building shall not be for members of the general public to visit.”**

**[Speaker Dennis Cook]**

- e **That the report in respect of Application No 2013/0582 (Land South of Church Walk, Church Walk, Mancetter) be noted; and**
- f **That the report in respect of Application No 2014/0014 (Land South West Of M42 Roundabout, Watling Street, Dordon) be noted.**

**59 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April – December 2013**

The Board was informed of progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April – December 2013.

**Resolved:**

**That the report be noted.**

**60 Exclusion of the Public and Press**

**Resolved:**

**That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12A to the Act.**

61 **Breaches of Planning Control**

The Head of Development Control reported on two breaches of planning control and the Board was asked to agree suggested courses of action.

**Resolved:**

- a **That in respect of Land at Oak Lea, Sandy Lane, Over Whitacre, the Solicitor to the Council be authorised to take legal action through the Magistrates' Court in response to the non-compliance with an extant Enforcement Notice with the owner being required to cease the residential use of the land and remove the mobile home, septic tank and hardstanding; and**
  
- b **That in respect of 85 Boot Hill, Grendon, the Solicitor to the Council be authorised to issue an enforcement notice to remove the first floor balustrade from the rear ground floor extension and to erect a Juliet style railing.**

R Sweet  
Chairman



## **Agenda Item No 5**

### **Planning and Development Board**

**10 March 2014**

### **Planning Applications**

#### **Report of the Head of Development Control**

#### **1 Subject**

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

#### **2 Purpose of Report**

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications. .

#### **3 Implications**

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

#### **4 Site Visits**

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.
- 4.2 Members are reminded of the "Planning Protocol for Members and Officers dealing with Planning Matters", in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

## 5 **Availability**

- 5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council's web site: [www.northwarks.gov.uk](http://www.northwarks.gov.uk).
- 5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 14 April 2014 at 6.30pm in the Council Chamber at the Council House.

## 6 **Public Speaking**

- 6.1 Information relating to public speaking at Planning and Development Board meetings can be found at: [www.northwarks.gov.uk/downloads/file/4037/](http://www.northwarks.gov.uk/downloads/file/4037/).
- 6.2 If you wish to speak at a meeting of the Planning and Development Board, you may either:
- e-mail [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk);
  - telephone (01827) 719222; or
  - write to the Democratic Services Section, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE enclosing a completed form.

## Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
1	PAP/2013/0347	4	<b>Land Adjacent to, 19, Tamworth Road, Wood End,</b> Erection of new dwelling	General
2	PAP/2013/0566	18	<b>13, Browns Lane, Dordon,</b> Change of Use to A5 hot food takeaway	General
3	PAP/2014/0017	27	<b>1, Orchard Close, Austrey, Atherstone,</b> Single storey rear extension, first floor side and rear extension and conversion of garage into games room	General

## **General Development Applications**

**(1) Application No: PAP/2013/0347**

**Land Adjacent to, 19, Tamworth Road, Wood End, CV9 2QH**

**Erection of new dwelling, for**

**Mr Ken Simmons**

### **Introduction**

The application is brought before the Planning and Development Board at the request of the local members who are concerned about highway and parking issues.

### **The Site**

The site is wholly within the Development Boundary for Wood End, on the north side of Tamworth Road. It is located between the Co-op store and number 19. The width of the site increases from the front which has a width of 5 metres, to the rear of the site which has a width of 12 metres such that it is best described as a wedge. The site has a highway frontage, and was a former access track to the rear field and farm.

There is an existing dropped kerb to the front, and there is a telephone pole along the boundary to the Co-op, with an electricity pole to the frontage along the boundary to number 19. The existing site is overgrown with vegetation along the boundaries and is generally flat. The area of the site is approximately 0.04 hectares. The land to the rear of the site is a field with stables. The Co-op building is sited away from the boundary due to the delivery service yard area and to the opposite side, number 19 is set of the boundary to the application site between 5 and 3 metres.

The retail premises of the Co-op apart, this is a predominantly residential location, characterised by a wide range of mainly detached and semi-detached dwelling of varying age, style and plot side with no definitive building line.

### **The Proposal**

The proposal is for one dwelling on the site, which is sited 11 metres from the edge of the highway. It is proposed to erect a single detached three bedroomed dwelling, which has been specifically designed to fit onto the site, being narrower at the front, and widening towards the rear. It would have a pitched, plain tiled roof which extends to ground floor eaves level at the front. Two parking spaces would be provided, having direct access from Tamworth Road. The front is proposed to have a protruding gable feature. Front, rear and side windows are proposed. The main access is to the side of the dwelling. The height of the dwelling is 8.6 metres. The site plan indicates landscaping to the front and rear of the site. The plans for the proposal can be viewed in Appendix 1 and relevant photographs can be viewed in Appendix 2.

## **Background**

In 1989 outline planning permission was granted for a dwelling on the site. In 2007 planning permission was refused for an almost identical dwelling, and the reason for refusal was as follows:

*“Policy HSGB of the North Warwickshire Local Plan – Revised Deposit Draft 2004, as proposed to be modified, states that in settlements such as Wood End, new housing will only be permitted where it will meet an identified local need and will be limited to locally affordable housing in perpetuity. This application contains no such proposal and is for ‘open market’ housing only, and it therefore conflicts with that policy, to the detriment of the supply of affordable housing in the area”*

## **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – Core Policy 2 (Development Distribution), ENV2 (Green Belt), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), HSG2 (Affordable Housing), TPT3 (Access and Sustainable Travel and Transport) and TPT6 (Vehicle Parking).

## **Other Relevant Material Considerations**

Government Advice – National Planning Policy Framework 2012.

NWBC Core Strategy Submission Version 2013 – Policies NW2 (Green Belt), NW3 (Housing Development), NW5 (Affordable Housing), NW8 (Sustainable Development), NW9 (Renewable Energy and Energy Efficiency) and NW10 (Quality of Development).

## **Consultations**

Warwickshire County Council Highway – No objection subject to conditions and notes.

Environmental Health Officer – No comments.

Severn Trent Ltd – No objection subject to condition.

Housing Officers – The housing need in Wood End is for rented accommodation. It is agreed that this would not be provided through this proposal due to viability issues.

## **Representations**

The occupier at number 19 Tamworth Road objects on the following grounds:

- Since the last application was submitted, the volume of traffic through Wood End has increased as a result of housing development and approvals in Wood End and commercial site in the area.
- The development have led to increased business to the Co-op shop from passing traffic, and this in turn, has resulted in the need for more frequent deliveries and greater congestion along this stretch of Tamworth Road. The customers and delivery vehicles are leading to parking issues in the immediate area.

- Vehicles park across the existing dropped kerb to the application site. Also vehicles parked on the pavement have led to problems for pedestrians. Vehicles parked are also causing issues for people wishing to cross over the road to the Co-op.
- Given the continued history of parking and access problems in this part of Tamworth Road plus the social and economic changes we have seen in the area, our concerns are that the introduction of an additional dwelling in the proposed location can only serve to aggravate what is already a dangerous situation. The concerns raised in 2004 and 2005 are even more valid in 2013 with all the changes that have taken place.

## **Observations**

### **a) The Principle**

The site lies within the development boundary defined for Wood End and thus the principle of a new house on this site is acceptable in principle. The determination of the case thus revolves around the details submitted.

### **b) Affordable Housing**

The Development Plan requires all new housing in Wood End to be affordable within the definitions set out in that Plan. As this was not the case in 2007, a refusal ensued. The current application is neither for an affordable house. However circumstances have changed as the Local Plan is now superseded in respect of the provisions for affordable housing by the NPPF and the emerging replacement Local Plan. The situation is thus more flexible to reflect current Government policy. Here in Wood End the housing need is for rented accommodation according to the Council's Housing Officer. It is confirmed that there is little prospect of this current development being a viable proposition if this were to be the case. Financial appraisals submitted with the application have been verified in this respect. Indeed the alternative of an off-site affordable housing contribution has also been dismissed for this reason. This conclusion is agreed by officers. In these circumstances a refusal based solely on this not being an affordable unit or there being an alternative contribution would no longer carry any weight.

### **c) Amenity Issues**

It is considered that, having regard to the way the house has been specifically designed to fit onto this relatively narrow plot, it is capable of physically accommodating the proposed development. The rear wall extends some 6 metres to the rear of that of the adjacent house at number 19, which is sited nearer to the road, but with a separation distance of around 5 metres it is not considered that it would give rise to such an overbearing or domination effect as would justify refusal, and it is noted that the occupiers themselves do not object on these grounds. The side gable of the new house would contain only a door and a bathroom window. Moreover the rear gardens here are already overlooked by existing property and this situation would not be worsened here. Given the size and length of the rear gardens there is unlikely to be a material loss of day or sun light. It is noted that the occupier has not objected on these grounds.

**d. Design**

There are no issues with the proposed design and appearance of the proposal given the residential setting and the existing variety of house types in the area.

**e. Traffic and Parking**

This is the main issue.

The site is on the main road through Wood End which already has traffic calming features and is subject to a 30 mph speed limit. The frontage of the site contains an existing dropped kerb vehicle access and the proposal will contain two vehicle parking spaces.

The adjoining Co-op does generate traffic and there are car parking spaces available to its front, however it is acknowledged that cars do park on-street at times. Delivery lorries can park on site at the Co-op but usually they also park outside of the store. Much of the objector's case is to do with the parking arrangements and the use of the Co-op as this leads to parking on the street and over the dropped kerb to be used by this proposal.

The Highway Authority does not object. It has considered all of these factors but is satisfied that the site can accommodate two on-site parking spaces and with the traffic calming already in the street, the fact that others have to reverse into the road, it is prepared to agree to there being no turning area within the site itself.

The Co-op has been approached by officers as a consequence of this application and there is to be a review of deliver times and parking arrangements, but these cannot be conditioned as part of this current determination. Members will be aware that obstruction of the highway and parking issues are matters for the Highway Authority and the Police.

**Recommendation**

That the application be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

**REASON**

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 7266.150C received by the Local Planning Authority on 22 January 2014.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. No development shall be commenced before material of the facing brick, roofing tiles and any other materials to be used have been submitted to and approved by the Local Authority in writing. The approved materials shall then be used.

REASON

In the interests of the amenities of the area.

4. No development whatsoever within Class A, B, C and E of Part 1, of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, as amended.

REASON

In the interests of the amenities of the area.

5. No additional opening shall be made other than shown on the plan hereby approved, nor any approved opening altered or modified in any manner.

REASON

To protect the privacy of the occupiers of adjoining properties.

6. The first floor side south eastern facing bathroom window shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent of privacy level 4 or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

REASON

To protect the privacy of the adjoining property and to prevent overlooking.



7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8. Access for vehicles to the site from the public highway (Tamworth road C8) shall not be made other than at the position identified on the approved drawing, number 7266.150C, and shall be constructed in accordance with the drawing. No gates shall be hung within the vehicular access to the site so as to open within 5.5 metres of the near edge of the public highway footway.

REASON

In the interests of the amenities of the area and safety on the public highway.

9. No development shall commence until full details of the surfacing, drainage and levels of the car parking and manoeuvring areas as shown on the approved plan have been submitted to and approved in writing by the Local Planning Authority. The unit shall not be occupied until the areas have been laid out in accordance with the approved details and such areas shall be permanently retained for the parking and manoeuvring of vehicles. The vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or permit surface water to run off the site onto the public highway.

REASON

In the interests of the amenities of the area and safety on the public highway.

10. To ensure visibility splays are provided to the vehicular access to the site, no structure, tree or shrub shall be erected, planted or retained within 2.4 metres of the near edge of the public highway carriageway exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON

In the interests of the amenities of the area and safety on the public highway.

11. No development shall commence until full details of the protective barrier for the telegraph pole within the vehicular access to the site have been submitted to and approved in writing by the Local Planning Authority. Such barrier(s) shall be installed prior to any works commencing and shall be permanently retained for the purpose of protecting the telegraph pole.

REASON

In the interest of the amenities of the area and safety on the public highway.

12. The development hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway and to clean the public highway of such material.

REASON

In the interest of the amenities of the area and safety on the public highway.

13. Before the commencement of the development, a landscaping scheme shall be submitted to the Local Planning Authority for approval.

REASON

In the interest of the amenities of the area.

14. The scheme referred to in condition 13 shall be implemented within six calendar months of the date of occupation of the dwellinghouse for domestic purposes. In the event of any tree or plant failing to become established with five years thereafter, each individual tree or plant shall be replaced within the next available planting season, to the satisfaction of the Local Planning Authority.

REASON

In the interests of the amenities of the area.

**Notes**

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. You are recommended to seek independent advice on the provisions to the Party Wall etc Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring building.  
An explanatory booklet can be downloaded at [www.communities.gov.uk/publicatons.planningandbuilding/partywall](http://www.communities.gov.uk/publicatons/planningandbuilding/partywall).
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence existing for underground coal mining. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).
4. The applicant is encouraged to ensure that any demolition, construction works and deliveries do not cause nuisance to neighbouring properties and their occupiers. It is recommended that works are restricted to between 0730 and 1800 hours on weekdays, and 0800 and 1300 hours on Saturdays, with no demolition, construction works and deliveries on Sundays or recognised public holidays.
5. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report line from [www.ukradon.org](http://www.ukradon.org) if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports>. located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property.  
  
For further information and advice on radon please contact the Health Protection Agency and [www.hpa.org.uk](http://www.hpa.org.uk). Also if a property is found to be affected you may wish to contact the North Warwickshire Building Control Partnership on 02476376328 for further advice on radon protective measures.
7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
8. Warwickshire Police have suggested that the applicant adopts the principles of 'secure by design' so as to ensure the occupants do not become victims of crime or anti social behaviour.

9. Western Power Distribution (WPD) has existing underground and overhead apparatus on this site. Diversionary works will be necessary and the costs of these works would be chargeable to the developer. They need to apply to WPD to request these works. I would suggest this application is made at an early stage of the development. All works on site must comply with HSE guidance: HS(G) 47 – Avoidance of Danger from Underground Cables, GS6 – Avoidance of Danger from Overhead Lines. A copy of a relevant plan was provided to the planning agent, and can be provided by this office upon request. You can contact Western Power on 01455 232252.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

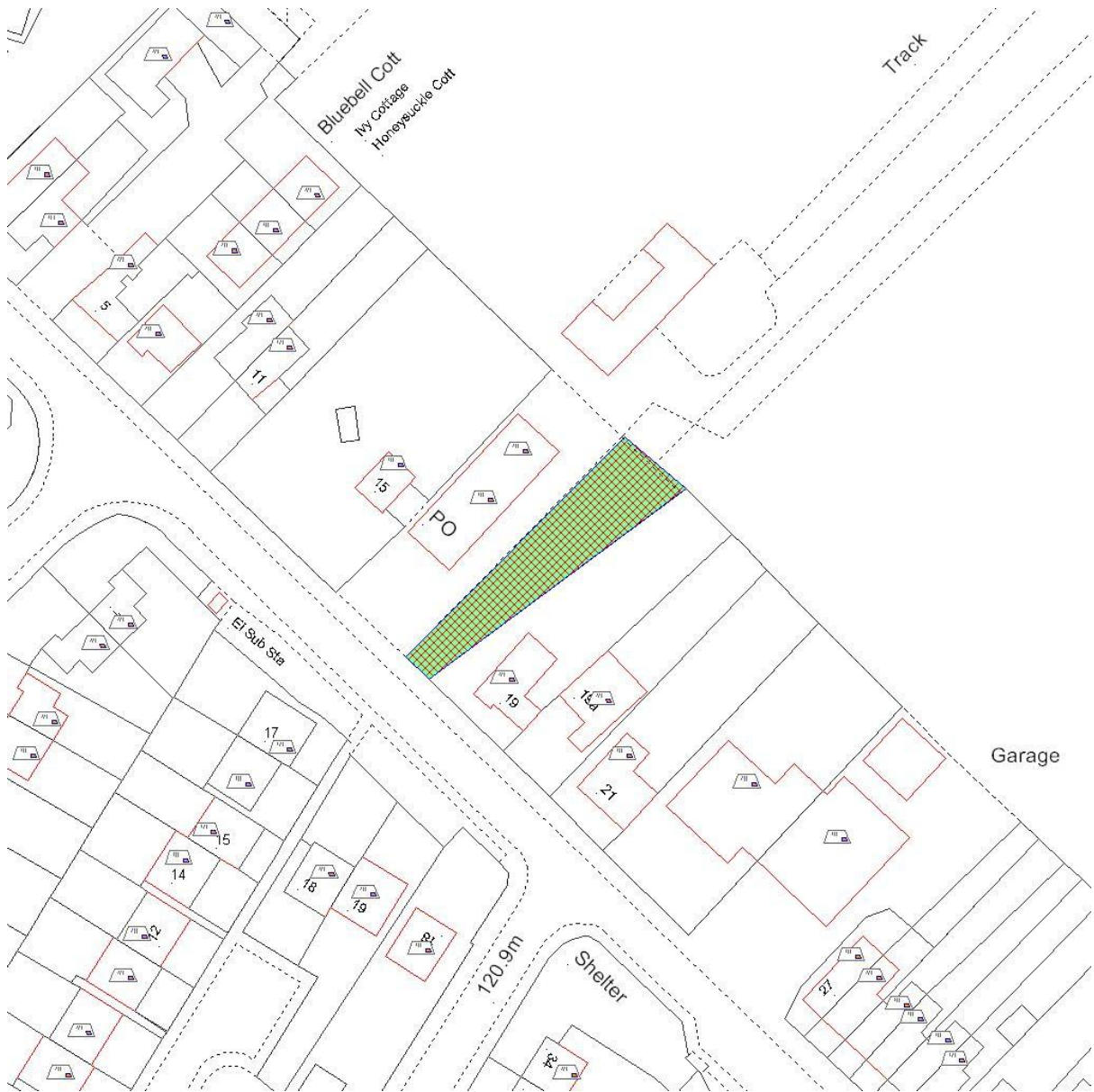
Planning Application No: PAP/2013/0347

Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	11/7/2013
2	Warwickshire Police	Consultation response	24/10/2013
3	WCC Museum	Consultation response	29/10/2013
4	Case Officer	Email to agent	29/10/2013
5	Western Power	Consultation response	29/10/2013
6	Case Officer	Email to agent	29/10/2013
7	Western Power	Consultation response	6/11/2013
8	NWBC Environmental Health	Consultation response	6/11/2013
9	19 Tamworth Road	Objection	11/11/2013
10	19 Tamworth Road	Email to case officer	12/11/2013
11	Case Officer	Email to agent	15/11/2013
12	WCC Highways	Consultation response	13/11/2013
13	Case Officer	Letter to agent	15/11/2013
14	Agent	Email to case officer	4/12/2013
15	Case Officer	Email to agent	4/12/2013
16	Case Officer	Email to WCC highways	4/12/2013
17	Severn Trent water	Consultation response	4/12/2013
18	19 Tamworth Road	Email to case officer	12/12/2013
19	Case Officer	Email to 19 Tamworth Road	13/12/2013
20	Case Officer	Letter to CO-OP	16/12/2013
21	WCC Highways	Consultation response	30/12/2013
22	Case Officer	Email to agent	3/1/2014
23	Agent	Email to case officer	3/1/2014
24	CO-OP	Letter to case officer	23/12/2013
25	Case Officer	Letter to CO-OP	6/1/2014
26	Case Officer	Email to agent	17/1/2013
27	Case Officer	Email to WCC Highways	21/1/2014
28	NWBC Forward Plans	Email to case officer	23/10/2013
29	Case officer	Email to NWBC Forward Plans	21/1/2014
30	WCC Highways	Email to Case officer	21/1/2014
31	Case Officer	Email to WCC Highways	21/1/2014
32	Case Officer	Email to agent	27/1/2014
33	WCC Highways	Consultation response	27/1/2014
34	NWBC Housing	Email to case officer	23/1/2014
35	CO-OP	Letter to case officer	23/1/2014
36	Case Officer	Email to 19 Tamworth Road	30/1/2014
37	Agent	Email to case officer	3/2/2014
38	Case Officer	Email to Chair, Vice Chair and Local Councillors	3/2/2014

39	19 Tamworth Road	Email to case officer	4/2/2014
40	Councillor Lewis	Consultation response	4/2/2014
41	Case Officer	Email to Councillor Lewis	5/2/2014
42	Case Officer	Email to WCC Museum	19/2/2014

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*







Appendix 2 - Photos



**(2) Application No: PAP/2013/0566**

**13, Browns Lane, Dordon, B78 1TR**

**Change of Use to A5 hot food takeaway, for**

**Mr Alan Jones**

### **Introduction**

The application is reported to Board at the request of a Local Member concerned about the cumulative impact that this proposal would have in the area.

### **The Site**

The site is centrally located within a parade of fourteen shops that serve the local area of Dordon and is sited within the Development Boundary. The unit earmarked for a change of use is currently empty with its last use being retail within an A1 use class.

The units along the parade do provide a range of services. There are six existing take-aways offering a variety of different food, and the remaining units include a Spar shop which takes up two units, a hairdresser, a beauty salon, an Off Licence and a PC store. There are two vacant units including the application site.

There are residential flats above this parade and the surrounding area is wholly residential in character. There is a lay-by in front of the parade where the majority of vehicles using the shops and take-aways park their vehicles.

The arrangement at the site can be viewed in Appendix 1.

### **The Proposal**

The proposal is for a change of use of the vacant retail unit – an A1 Use - to a take away - use within Use Class A5. It would serve food types such as hot meals ranging from grilled chicken, homemade kebabs, curries and more. Most of the food will be influenced from Europe, the Middle East and South East Asia. The applicant indicates that he would like to provide customers in the local area with something new not already available in the local food outlets.

The opening hours would be limited between 1700 hours and 2300 hours on Mondays to Saturdays inclusive with no opening on a Sunday. Three full time staff would be employed and two part time staff. The applicant anticipates that details of external ducting and internal extraction equipment would be reserved by condition.

## **Background**

During the course of the application the proposal has been revised. It was initially proposed for the change of use to be to a restaurant (an A3 Use) but it is now proposed to be a take away (A5). The proposed A3 use had met with an objection from the Highway Authority due to parking standards required for a restaurant not being able to be met. The Authority took the view that an A5 use would give rise to limited waiting times in the available parking spaces, thus creating a regular turnover as opposed to a restaurant use requiring those spaces to be occupied more permanently.

## **Development Plan**

North Warwickshire Local Plan 2006 (Saved Policies): ECON 5 (Facilities relating to Settlement Hierarchy); ENV11 (Neighbour Amenities) and TPT6 (Vehicle Parking)

## **Other Relevant Material Considerations**

The National Planning Policy Framework 2012

North Warwickshire Core Strategy (Submission Document February 2013) – policy NW8 (Sustainable Development)

## **Consultations**

Environmental Health Officer – No comments

Warwickshire County Council as Highway Authority – The use class has now been amended from a change of use to a takeaway rather than to a restaurant. Vehicle movements and parking associated with a takeaway could be the same as a shop. As such, the proposed change of use may not result in an intensification of vehicle movements or parking demand. Therefore the Highway Authority's response is one of no objection.

## **Representations**

Four letters of objection have been received from local residents and existing traders raising the following matters:

- Too many takeaways causing odour and noise problems
- Anti-social behaviour from young people congregating along the parade
- Cars park on double yellow lines
- Increased traffic
- Litter
- A more healthy food outlet is needed

## **Observations**

There is no objection in principle to an A5 use in Dordon as the site lies within the development boundary as identified within the North Warwickshire Local Plan 2006. As such the proposed use is appropriate as this would meet the sustainable development policies set out in the Local Plan – that is to promote and to encourage such facilities so as to maintain viability and reduce travel.

Whilst Policy ECON5 particularly directs such uses to town centres, it is considered that in this case, the site is wholly appropriate given the existence of a substantial parade of shop units serving the local community and that permissions have previously been granted here for this type of use.

The arrangement to the front and rear of the shop front and its rear is shown in the photographs below:



The main planning issues are not so much with the principle of the use, but whether the cumulative impact of an increased number of take-aways in this parade will materially exacerbate odour emissions or parking pressures and whether these factors would be so adverse as to warrant overriding the principle.

#### **a) Economic Considerations**

It is important to emphasise when considering this present application, that the premises have an existing lawful use as an A1 retail outlet. As such the existing unit could re-open as a retail unit with no planning controls at all. That would still lead to customers arriving by car and parking outside and could involve longer opening times.

Given the sites lawful use, its' current location, the nature of its neighbours and the fact that Dordon is a main town as defined by the 2006 Local Plan, this proposal use is appropriate for this site. It would fully comply with planning policies for such uses to be supported in sustainable locations. In policy terms it would also fully accord with the NPPF and its thrust on economic development; encouraging new business and competition as well as making appropriate use of vacant buildings.

The issue of “competition” between similar uses is not a planning consideration. Whilst there is concern from those making representations about the potential cumulative impact of an increased number of similar types of uses along the parade, there is no planning policy on which to base such a refusal.

Given the importance attributed to support for and encouragement of business and the creation of jobs by Government planning policy, significant weight should be given to providing an opportunity to occupy this unit such that the general appearance and environment does not decline as a result of having boarded-up properties. The cumulative impact here would be that if an approval is granted here, still only 50% of the parade would have such uses.

### **b) Parking**

The site lies within the centre of Dordon and is well served by existing bus routes; it is central to residential areas and can be reached on foot and by bicycle.

Parking will always be an issue with such a parade of shops, but here, there are parking areas at the rear of the parade for the residential properties above; such that there would not be conflict with residents parking. A new A1 shop could re-open here at any time leading to additional parking demands and no planning application would be required.

It is understood that this is a very busy area with through traffic movement, parking cars, cars reversing and high levels of pedestrian activity. However the substantial issue is whether the proposed use would materially worsen this. It is considered not because of the proposed opening hours limited to the evening so as not to conflict with the main trading day to the retail units or the hair and beauty salons, which generate the majority of customers during the day. It is material that the Highways Authority has no objection to the proposal. The proposal would not be considered contrary to saved policy TPT6.

### **c) Amenity**

In terms of the neighbour’s amenity then the proposal does not raise any unacceptable impact upon privacy. The main impact of a take away is the potential for cooking odours. Environmental Health has not raised any concerns over the potential for cooking odours associated with take aways because modern extraction systems can substantially reduce cooking odours and the method and details of extraction would be reserved by condition.

Litter can add to the decline in the environment. However the majority of customers would take their purchase home rather than consume on the site, such that litter should not be exacerbated beyond the litter generated at the existing uses along the parade.

Noise can be an issue with youths loitering outside of the shops or traffic noise. However this amenity issue already exists such that the proposal would not be considered to exacerbate the existing issues, beyond that of any other use that might be introduced under the flexibility of the use classes.

The controlling factor of such a use is that the opening hours of 1700 to 2300 Monday to Saturday are considered to be acceptable. Thus the proposal is not considered to result in a material increase in unacceptable loss of amenity and privacy in the area.

Given all of these considerations there is unlikely to be a loss amenity or privacy to the extent that warrants a refusal on amenity grounds. The proposal would therefore accord with saved policy ENV11 of the Local Plan 2006.

#### **d) Social Factors**

In terms of the NPPF's requirements for promoting healthy communities then one of its focus points is to promote safe and accessible environments. It is acknowledged that there may well be anti-social behaviour here already, but empty shops and boarded up units are more likely to exacerbate anti social behaviour or potential for crime than units that are occupied.

Paragraph 70 of the NPPF seeks to ensure that established shops are able to develop in a modernised way that is sustainable. It is considered that the existing arrangement at the parade serves the community and are well used and established in the area, being a sustainable location.

Health requirements are also considered under the NPPF. It is important to acknowledge that the health of an area is not dictated by the number or presence of take-aways, there are other factors that contribute to health issues. It is considered that adults have a choice of whether they wish to patronise a take away or not. The proposed take away is not considered to be a major contributing factor to health problems in the area given the presence of existing uses here. The issue of health is noted in the NPPF, though the matter of health is not considered to be a material consideration of such weight to warrant overriding the principle of development.

#### **e) Other Material Considerations**

The current flexibility of the Use Classes Order is a direct response to the economic situation, and this permits changes between use classes subject to a two year time limit. It is material that the initial proposal for an A3 use (restaurant/café) would not have required permission to change from A1.

Given the flexibility of the use classes then other uses can be introduced which may have a more adverse impact on amenity and parking than the proposal presented.

#### **f) Conclusion**

The proposal to change the use of the shop (use class A1) to a Takeaway (use class A5) is not considered to be contrary to ECON5 of the Local Plan. The Highway Authority's response and that from Environmental Health has been critical in this assessment. It is considered that the existing shop unit could generate greater vehicle movements through out the day. It is not considered that the impacts of the change of use are so materially different from those arising from the continuation of that lawful use so as to warrant refusal. Conditions are proposed covering hours and smell/noise. With all matters considered the reasons for objection are not felt to be of such weight to override the principle of approval for a take away at this site. As such the proposal is not considered to be in conflict with saved Development Plan Policies or the requirements of the National Planning Policy Framework which supports the development of local services as being sustainable.

## Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

### REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered Plan 2013/121-01 received by the Local Planning Authority on 4 February 2014 and the site location plan received by the Local Planning Authority on 29 November 2013.

### REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. There shall be no sale of hot food, other than between 17:00 hours and 23:00 hours Monday to Saturday with no opening on Sundays.

### REASON

To prevent disturbance to the occupiers of nearby properties.

4. No development shall commence until full details of an extractor fan and ducting and flue to the rear of the building have been submitted to and approved in writing by the Local Planning Authority. These must contain details of any proposed methods for minimising noise and odour where necessary i.e. noise attenuation of fan motors, filtration/treatment of odours and stack height. Only the approved details shall be installed. Also full information as to the extraction system which is designed to neutralise cooking odours.

### REASON

In the interests of the amenities of the area.

## Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of

any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.

2. .You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An Explanatory booklet can be downloaded at [www.communities.gov.uk/publications/planningandbuilding/partywall](http://www.communities.gov.uk/publications/planningandbuilding/partywall).

3. This development may be affected by the provisions of Food Safety, Health and Safety and/or Licensing Legislation. You are advised to consult the Regulatory Division, Old Bank House, 129 Long Street, Atherstone - Tel No 01827 715341 or email [foodsafety@northwarks.gov.uk](mailto:foodsafety@northwarks.gov.uk).

4. This permission does not authorise adverts and a separate application under advertisement consent is required.

5. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through discussions seeking to resolve planning objections and issues. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.



## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2013/0566

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Applicant or Agent	Application Forms, Plans and Statement(s)	
2	Mr S Ahmed	Objection	14/2/14
3	M Christodoulou	Objection	7/2/14
4	Mrs Orton	Objection	11/12/13
5	Mr S Ahmed	Objection	16/12/13
6	WCC Highways	Consultation	23/1/14
7	Applicant	e-mail	24/1/14
8	Applicant	e-mail	4/2/14
9	Dordon Wines and Spirits	Objection	17/12/13
10	WCC Highways	Consultation	10/1/14
11	WCC Highways	Consultation	12/2/14

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*

Appendix 1



### **(3) Application No: PAP/2014/0017**

**1, Orchard Close, Austrey, Atherstone, CV9 3EN**

**Single storey rear extension, first floor side and rear extension and conversion of garage into games room, for**

**Mr Mike Martin**

#### **Introduction**

The application is reported to Board at the request of a local Member concerned about the impact of the proposal on neighbouring occupiers.

#### **The Site**

The site is located within the Austrey Development Boundary, as identified on the North Warwickshire Local Plan 2006 and is located within a wholly residential area. It is a two storey detached dwelling house linked to its neighbour by its garage on the north side of Orchard Close. There are other residential properties at its rear and to its side as can be seen from the location plan attached to this report. The distance between the rear elevations of those properties on Warton Lane (Gable End on the plan) and that on the application site is around 40 metres. The distance between the rear elevation of the closest side property (Ravensheugh on the plan) and the side gable of the application site is 12 metres. The existing side gable of the application site facing Ravensheugh has no openings.

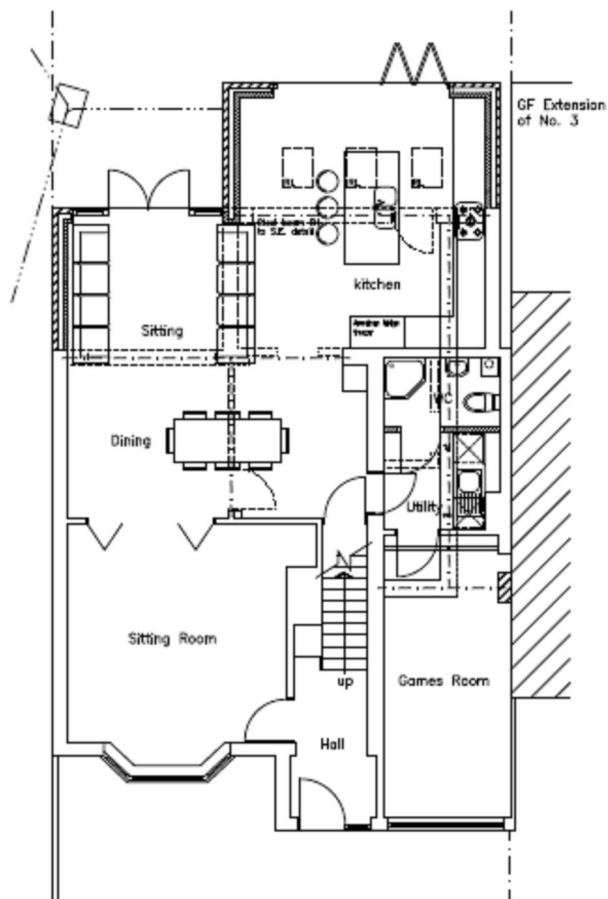
#### **The Proposal**

The proposal is to extend the existing two-storey linked-detached dwelling house by the construction of a two storey rear and side extension. This would accommodate a larger kitchen and dining room with a shower and utility room at ground floor and extended bedroom and bathroom facilities on the first floor. The existing garage door is to be replaced with a window with brickwork below to facilitate conversion of the garage to a games room.

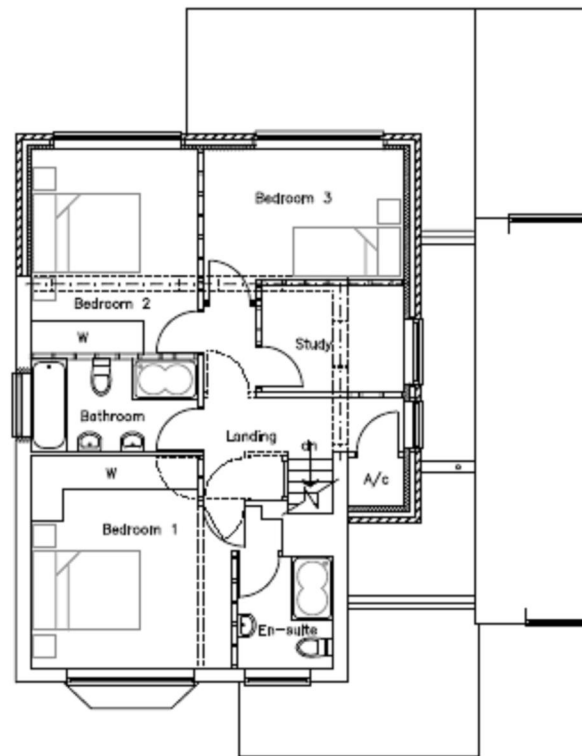
The ground floor extension is proposed to extend five metres beyond the original building elevation for the width of the rear elevation, with a recessed area set back 2.3 metres adjacent to the boundary with Ravensheugh, so as to avoid the existing drains.

The proposed first floor extension projects 2.65 metres from the original rear elevation, and is 7.5 metres wide across the rear elevation and to the side of the property, stopping 1 metre short of the boundary with number 3 Orchard Close, and is recessed 2.95 metres from the front elevation. This allows for two side windows to a proposed study and the existing landing. There are similar windows in these locations on the existing side elevation at first floor however the proposed side extension brings these windows 1.3 metres closer to the boundary.

On the side facing Ravensheugh, the alterations include a new window to a new bathroom which is proposed to be obscurely glazed. This window would measure a metre by a metre and be limited in its opening to 100mm. The proposed floor plans are shown below.



Proposed ground floor plan



Proposed first floor plan

## Background

An application for a single storey rear extension to form a kitchen, garage and utility to the side and rear of the property was approved in April 1988, and was subsequently completed. The proposed extension will integrate the previous extension.

## Development Plan

Saved policies of the North Warwickshire Local Plan 2006 - ENV11 (Neighbour Amenities), ENV12 (Urban Design) and ENV13 (Building Design)

## Other Relevant Material Considerations

Supplementary Planning Guidance: The Council's Guide for the Design of Householder Developments – Adopted September 2003

## Representations

The occupiers of Ravensheugh have submitted an objection referring to:

- The new bathroom window being close to and directly in line with existing bedrooms, and that
- Even though it would be obscurely glazed it would be capable of opening.

There is also concern about potential damage and inconvenience during the construction period.

## Observations

The property is an existing linked detached, two-storey dwelling house, located on an existing residential estate. The property is the first house in the street and shares its south west side boundary with the rear garden boundary of Ravensheugh, 39 Warton Lane. The property has previously benefitted from a ground floor single storey rear extension that is to be incorporated into the proposed larger two-storey rear and side extension.



There is no objection to the principle of a further extension here and neither is there a concern relating to the design of the proposed work in design and appearance terms as this is all in keeping. There is little impact on the residential properties to the rear because of the separation distances involved, and there is no impact on the adjoining neighbouring house as the 45 degree rule is not breached and the proposed side windows replace existing openings. The occupier has not objected.

The main impact and as recorded in the objection, is that on the residential amenity of the occupiers of the house on the other side – Ravensheugh. This property is at right angles to the proposed extension and shares its rear boundary with the south east boundary of the application dwelling. It has rear bedroom windows that are approximately 12 metres from the proposed extension. The proposal recognises this potential privacy issue by including fully obscure glazing and its limited opening to 100mm. As this is not a habitable room fire escape windows are not required, and thus this limitation can be accepted.

The neighbour has also raised concerns around access and security of the neighbouring property during the works as part of the boundary fence will need to be removed and access will be required to construct the proposed side wall to the extension. The Party Wall Act 1995 will apply in this case and these matters are private considerations which need to be agreed between the two parties outside of the planning decision.

On balance, the proposal is not considered to cause an adverse amenity impact on the residential amenity of this neighbouring property to the degree that planning permission should be refused.

### **Recommendation**

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 297/02A, and location plan received by the Local Planning Authority on 14 January 2014.

#### REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The new works shall be carried out with facing brickwork and concrete interlocking roof tiles to match the existing Ibstock red multi facing brickwork and Marley Wessex Grey roof tiles on the main building.

#### REASON

In the interests of the amenities of the area and the building concerned.

4. The first floor bathroom window in the south west facing elevation shall be have a 100mm maximum restricted opening and shall be permanently glazed with obscured glass which shall provide a minimum degree of obscurity equivalent to privacy level (insert level 3, 4 or 5) or higher and shall be maintained in that condition at all times. For the avoidance of doubt privacy levels are those identified in the Pilkington Glass product range. The obscurity required shall be achieved only through the use of obscure glass within the window structure and not by the use of film applied to clear glass.

#### REASON

To protect the privacy of the adjoining property and to prevent overlooking.

#### Notes

1. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of work.
2. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at [www.communities.gov.uk/publications/planningandbuilding/partywall](http://www.communities.gov.uk/publications/planningandbuilding/partywall).
3. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Council has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Planning Application No: PAP/2014/0017

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	The Agent	Application Forms and Plans	14/01/14
2	Ordnance Survey	Location Plan	14/01/14
3	Planning Officer	Site Photographs	03/02/14
4	Neighbour	Letter of Objection	14/02/14

*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*



